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9
10 UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF WASHINGTON

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

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16
17 ABEL RIVERA,
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Defendants.

SUPERSEDING INDICTMENT

4:23-CR-6019-SAB

Vio.: 21 U.S.C. § 846
Conspiracy to Distribute
500 Grams or More of
Methamphetamine and 400
Grams or More of Fentanyl
(Count 1)

21 U.S.C. § 841(a)(1),
(b)(1)(A)(viii)
Possession with Intent to
Distribute 500 Grams or More
of Methamphetamine
(Count 2, 4, 13)

21 U.S.C. § 841(a)(1),
(b)(1)(A)(vi)
Possession with Intent to
Distribute 400 Grams or More
of Fentanyl
(Count 3, 5, 14)

21 U.S.C. § 841(a)(1),

(b)(1)(A)(viii)
Possession with Intent to
Distribute 50 Grams or More
of Actual (Pure)
Methamphetamine
(Count 6, 8, 10)

21 U.S.C. § 841(a)(1),
(b)(1)(C)
Possession with Intent to
Distribute Fentanyl
(Count 7, 12)

21 U.S.C. § 841(a)(1),
(b)(1)(B)(vi)
Possession with Intent to
Distribute 40 Grams or More
of Fentanyl
(Count 9, 11)

21 U.S.C. § 853
Forfeiture Allegations

The Grand Jury charges:

COUNT 1

Beginning on a date unknown, but by on or about January 2020, and
continuing until on or about June 2023, in the Eastern District of Washington and
elsewhere, the Defendants [REDACTED]

[REDACTED]
ABEL RIVERA, [REDACTED]
[REDACTED] and other individuals; both
known and unknown to the Grand Jury, did knowingly and intentionally combine,

SUPERSEDING INDICTMENT – 2

1 conspire, confederate, and agree with each other to commit the following offense:
2 distribution of 500 grams or more of a mixture of substance containing
3
4 methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. §
5 841(a)(1), (b)(1)(A)(viii) and distribution of 400 grams or more of a mixture or
6
7 substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-
8 piperidiny] propanamide (a/k/a fentanyl), a Schedule II controlled substance, in
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10 violation of 21 U.S.C. § 841(a)(1), (b)(1)(A)(vi).

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COUNT 2

On or about June 30, 2022, in the Eastern District of Washington, the
Defendant, [REDACTED] did knowingly possess with intent to
distribute 500 grams or more of a mixture or substance containing a detectable
amount of methamphetamine, a Schedule II controlled substance, in violation of 21
U.S.C. § 841(a)(1), (b)(1)(A)(viii).

COUNT 3

On or about June 30, 2022, in the Eastern District of Washington, the
Defendant, [REDACTED] did knowingly possess with intent to
distribute 400 grams or more of a mixture or substance containing a detectible
amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny] propanamide (a/k/a
fentanyl), a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1),
(b)(1)(A)(vi).

COUNT 4

On or about April 5, 2023, in the Eastern District of Washington, the Defendant, [REDACTED] did knowingly possess with intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A)(viii).

COUNT 5

On or about April 5, 2023, in the Eastern District of Washington, the Defendant, [REDACTED] did knowingly possess with intent to distribute 400 grams or more of a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (a/k/a fentanyl), a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A)(vi).

COUNT 6

On or about April 18, 2022, in the Eastern District of Washington, the Defendant, [REDACTED] did knowingly possess with intent to distribute 50 grams or more of actual (pure) methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A)(viii).

COUNT 7

On or about April 18, 2022, in the Eastern District of Washington, the Defendant, [REDACTED] did knowingly possess with intent to distribute a mixture or substance containing a detectible amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (a/k/a fentanyl), a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(C).

COUNT 8

On or about June 21, 2022, in the Eastern District of Washington, the Defendant, [REDACTED] did knowingly possess with intent to distribute 50 grams or more of actual (pure) methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A)(viii).

COUNT 9

On or about June 21, 2022, in the Eastern District of Washington, the Defendant, [REDACTED] did knowingly possess with intent to distribute 40 grams or more of a mixture or substance containing a detectible amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (a/k/a fentanyl), a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(B)(vi).

COUNT 10

On or about June 30, 2022, in the Eastern District of Washington, the Defendant, [REDACTED] did knowingly possess with intent to distribute 50 grams or more of actual (pure) methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A)(viii).

COUNT 11

On or about June 30, 2022, in the Eastern District of Washington, the Defendant, [REDACTED] did knowingly possess with intent to distribute 40 grams or more of a mixture or substance containing a detectible amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (a/k/a fentanyl), a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(B)(vi).

COUNT 12

On or about April 5, 2023, in the Eastern District of Washington, the Defendant, [REDACTED] did knowingly possess with intent to distribute a mixture or substance containing a detectible amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (a/k/a fentanyl), a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(C).

COUNT 13

On or about June 8, 2023, in the Eastern District of Washington, the Defendant, [REDACTED] did knowingly possess with intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A)(viii).

COUNT 14

On or about June 8, 2023, in the Eastern District of Washington, the Defendant, [REDACTED] did knowingly possess with intent to distribute 400 grams or more of a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (a/k/a fentanyl), a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A)(vi).

SERIOUS DRUG FELONY

Before [REDACTED] committed the offense as charged in Count 1, [REDACTED] had a final conviction for a serious drug felony, as defined in 21 U.S.C. § 802(57), to wit: Delivery of a Controlled Substance, in violation of Revised Code of Washington 69.50.401(2)(b), in the Superior Court of Washington, County of Benton, case number 09-1-00463-7, for which he served a term of imprisonment of more than 12 months and was released

1 from imprisonment within 15 years of the commencement of the instant offense.

2 **SERIOUS DRUG FELONY**

3
4 Before [REDACTED] committed the offenses as charged in
5 Counts 1, 6, 7, 8, and 9, [REDACTED] had a final conviction for a
6 serious drug felony, as defined in 21 U.S.C. § 802(57), to wit: Possession of a
7 Controlled Substance with Intent to Deliver-Fentanyl, in violation of Revised Code
8 of Washington 69.50.401(1)&(2)(a), in the Superior Court of Washington, County
9 of Benton, case numbers 19-1-00656-03 and 19-1-01113-03; for which he served a
10 term of imprisonment of more than 12 months and was released from
11 imprisonment within 15 years of the commencement of the instant offense(s).

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15 **NOTICE OF CRIMINAL FORFEITURE ALLEGATIONS**

16 The allegations contained in this Indictment are hereby realleged and
17 incorporated by reference for the purpose of alleging forfeitures.

18 Pursuant to 21 U.S.C. § 853, upon conviction of an offense in violation of 21
19 U.S.C. § 846 and/or 21 U.S.C. § 841, as set forth in this Indictment, Defendants,
20 [REDACTED]

21 [REDACTED], ABEL RIVERA, [REDACTED]
22 [REDACTED], shall forfeit
23 to the United States of America, any property constituting, or derived from, any
24 proceeds obtained, directly or indirectly, as the result of such offense and any property
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1 used or intended to be used, in any manner or part, to commit or to facilitate the
2 commission of the offense. The property to be forfeited includes, but is not limited to:

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4 Defendant [REDACTED] (Counts 1, 4 and 5)

- 5 - \$1,535.00 U.S. currency, seized on or about April 5, 2023

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7 Defendant [REDACTED] (Count 1)

- 8 - a privately made firearm black semi-auto 9mm Luger handgun no serial
9 number and a magazine containing six (6) rounds of ammunition;

10 Defendant ABEL RIVERA (Count 1)

- 11 - \$1,950.00 U.S. currency, seized on or about April 9, 2022;
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13 - \$26,695.00 U.S. currency, seized on or about April 9, 2022;
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15 - \$2,000.00 U.S. currency, seized on or about April 5, 2023;
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17 - \$1,535.00 U.S. currency seized on or about April 5, 2023;
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19 - a Glock 27 .40 Caliber Pistol bearing serial number HEX300;
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21 - a Highpoint Model JOP 40 caliber pistol bearing serial number 7232031, with
obliterated original serial number

22 Defendant [REDACTED] (Count 1)

- 23 - \$5,771.00 U.S. currency, seized on or about June 8, 2023

24 If any forfeitable property, as a result of any act or omission of the Defendants:

- 25 a. cannot be located upon the exercise of due diligence;
26 b. has been transferred or sold to, or deposited with, a third party;
27 c. has been placed beyond the jurisdiction of the court;
28 d. has been substantially diminished in value; or
e. has been commingled with other property which cannot be divided
without difficulty,

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2 the United States of America shall be entitled to forfeiture of substitute property
3 pursuant to 21 U.S.C. § 853(p).
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5 DATED this _____ day of July, 2023.

6 A TRUE BILL
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9 _____
Foreperson

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11 _____
12 Vanessa R. Waldref
13 United States Attorney
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16 _____
17 Rebecca R. Perez
18 Assistant United States Attorney
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